IN THE HIGH COURT OF BOMBAY AT GOA

APPEALS FROM ORDER NO.17 OF 2003 AND 18 OF 2003

APPEAL FROM ORDER NO.17 OF 2003

Maria Lalita Braganza,
major, spinster, landlady,
residing at Candolim,
Bardez, Goa ... APPELLANT

VERSUS

1. M/s Anjali Real Estate
Private Ltd., a company
registered under the Companies
Act, 1956, having its Office
at Noble Chambers, 5th floor,
Sayed A. Brelvi Road,Fort,
Mumbai through its Director,
Shri S.N. Kapur, major,married,
residing at Mumbai;

2. M/s Mahalaxmi Enterprises,
a proprietorship concern,
through its proprietor,
Mrs. Kishori Korgaonkar,
Near Kamleshwari Bhumika Temple,
Korgaon, Pernem, Goa;

3. Shri Shrikrishna Rajaram Thakur
(deceased), major, widower,
r/o Altinho, Panaji
through his legal representa-
tives:

a) Shri Damodar Shrikrishna
Thakur, Son,

b) Smt. Bina Damodar Thakur,
Daughter-in-law,

both r/o Altinho,Panaji,Goa;

c) Smt. Vijaya Surendra Dessai,
Daughter,

d) Shri Surendra S. Dessai,
Son,

both r/o Altinho,Panaji,Goa;

e) Smt. Anja Saresh Lotlikar,
Daughter,

f) Shri Saresh D.Lotlikar,
Son-in-law,

Both residing at Porvorim,
Bardez, Goa;

g) Smt. Lalita Deepak Mane,
Daughter,

h) Shri Deepak Mane,
Son-in-law,

both r/o Bambolim,
Tiswadi, Goa;

4. Shri Vasudev Shriram Raikar,
major, married,
residing at Mira Mar,
Panaji, Goa;

5. M/s Mahadhan Real Estate
Pvt. Ltd.,
Salgaoncar House,
Francisco Luis Gomes Road,
Vasco da Gama, Goa;

6. M/s Vardhan Real Estates
Pvt. Ltd. Salgaoncar House,
Francisco Luis Gomes Road,
Vasco da Gama, Goa .,. RESPONDENTS.

Mr. A.F. Diniz, Advocate for the Appellant.

APPEAL FROM ORDER NO.18 OF L2003

1. Lila Filomena Braganza,
major, spinster, landlady,

2. Maria Lalita Braganza,
major, spinster, landlady,
both residing at Candolim,
Bardez, Goa ... APPELLANTS

VERSUS

1. M/s Anjali Real Estate
Private Ltd., a company
registered under the Companies
Act, 1956, having its Office
at Noble Chambers, 5th floor,
Sayed A. Brelvi Road,Fort,

Mumbai through its Director,
Shri S.N. Kapur, major,married,
residing at Mumbai;

2. Ashok Braganza,
major, bachelor, landlord,
residing at Candolim,
Bardez, Goa;

3. M/s Mahalaxmi Enterprises,
a proprietorship concern,
through its proprietor,
Mrs. Kishori Korgaonkar,
Near Kamleshwari Bhumika Temple,
Korgaon, Pernem, Goa;

4. Shri Shrikrishna Rajaram Thakur
(deceased), major, widower,
r/o Altinho, Panaji
through his legal representa-
tives:

a) Shri Damodar Shrikrishna
Thakur, Son,

b) Smt. Bina Damodar Thakur,
Daughter-in-law,

both r/o Altinho,Panaji,Goa;

c) Smt. Vijaya Surendra Dessai,
Daughter,

d) Shri Surendra S. Dessai,
Son,

both r/o Altinho,Panaji,Goa;

e) Smt. Anja Saresh Lotlikar,
Daughter,

f) Shri Saresh D.Lotlikar,
Son-in-law,

Both residing at Porvorim,
Bardez, Goa;

g) Smt. Lalita Deepak Mane,
Daughter,

h) Shri Deepak Mane,
Son-in-law,

both r/o Bambolim,
Tiswadi, Goa;

5. Shri Vasudev Shriram Raikar,
major, married,
residing at Mira Mar,
Panaji, Goa;

6. M/s Mahadhan Real Estate
Pvt. Ltd.,
Salgaoncar House,
Francisco Luis Gomes Road,
Vasco da Gama, Goa;

7. M/s Vardhan Real Estates
Pvt. Ltd. Salgaoncar House,
Francisco Luis Gomes Road,
Vasco da Gama, Goa .,. RESPONDENTS.

Mr. A.F. Diniz, Advocate for the Appellant.

CORAM : S.J. VAZIFDAR,J.

DATED : MARCH 6, 2003.

ORAL ORDER

These are Appeals from Order passed by the trial Judge on a review petition filed by the Plaintiff. After closing his case, the Plaintiff reserved his right to lead evidence in rebuttal. By the Order reviewed the learned Judge had rejected this Application. This Order was sought to be reviewed. The impugned Order was passed allowing the Review Application and permitting the Respondents to reserve right to lead evidence in rebuttal.

2. I have perused the entire Order. It does not call for any interference at least at this stage. Prima facie, the observation of the learned

Judge that the Order sought to be reviewed suffered from an error apparent on the face of record is well founded. Further, no prejudice whatever is caused to the Appellants by this Order. The only ground sought to be urged before me is that even assuming that the Order sought to be reviewed is wrong, the learned Judge was not entitled, in exercise of his jurisdiction, to review the same. I am in agreement with the learned Judge that in the facts and circumstances of the present case, the Order was correctly reviewed.

3. Appeals from Order are dismissed.

S.J. VAZIFDAR,J.

ac.